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NEW YORK CHAMBER OF COMMERCE
65 Liberty Street New York 5, N. Y.

A Modern Zoning Resolution for the City of New York

New York charted a pioneering path, back in 1916, when it became the first major community in the Nation to adopt a comprehensive Zoning Resolution. Following the New York example, in the years which have followed virtually all sizeable communities throughout the country have established zoning restrictions and regulations governing land use, and prescribing types of permitted structures and activities.

This 1916 Zoning Resolution, which is still in effect although amended some 2500 times during the past 43 years, is broad in scope. Accidentally or by design it expressed extravagant views regarding the future development of the City, for the pattern of land use it established would permit an ultimate City housing some 55 million people, and providing employment for some 250 million workers.

It has long been felt that the City's Zoning Resolution, with its confusing and complex amendments, no longer provides a realistic pattern, or control, for New York's proper development; and various attempts have been made during the past quarter century to modernize and bring the Resolution up to date.

In 1948, funds were appropriated by the City for a study of zoning and the preparation of a proposal for a new Resolution. The consulting firm of Harrison, Ballard and Allen was engaged for this work, and its proposed new Zoning Resolution was widely discussed, but received no implementation by the City Government.

The need for more modern zoning, however, has remained pressing, and in 1956 the Board of Estimate made further appropriation for a new study and proposal. The City Planning Commission retained the architectural firm of Voorhees Walker Smith and Smith as consultants.

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Their study and proposal, submitted this year, is currently before the City for consideration, and extensive public hearings will soon be held by the City Planning Commission.

The New York Chamber of Commerce has long recognized the need for a modern zoning resolution for the City of New York; and in 1952, the Chamber endorsed the principles embraced in the Harrison, Ballard and Allen proposal and urged the adoption of its general provisions.

New York still needs a new zoning resolution if the City is to provide for the orderly future development of the City. In the opinion of the Committee on City Affairs, the general zoning proposals contained in the report by Voorhees Walker Smith and Smith, and which are broadly reviewed in the accompanying report, are practical and realistic. The Committee recommends that the Chamber endorse them in principle; and that the City be urged to adopt them with all deliberate speed, and with such specific refinements as may be necessary and appropriate as a result of the forthcoming public hearings.

New York City Needs a New Zoning Resolution

By modern standards of good zoning, the 1916 Zoning Resolution with its 2500 amendments, and which still governs the pattern of land use in New York City, fails to meet the needs of the City.

It permits a pattern of land use and development that is unrealistic in terms of the City's past and potential growth. With respect to housing, the Zoning Resolution permits overcrowding and the breeding of slums on the one hand, and under-utilization of available housing space on the other. With respect to commercial and industrial land use, the present zoning, which would permit developments to accommodate 250,000,000 workers, and without proper regard for essential services, is obviously incapable of rationally controlling land development. As Chairman Felt of the City Planning Commission states: "Gross distortion and waste are inevitable."

Fundamentally, present zoning in New York City lacks a rational framework. This lack has produced these results:

1. Overbuilding and congestion in some parts of the City while other areas are vacant or blighted.

2. Uneconomic and inefficient building design resulting from regulations which restrict outer form but ineffectively deal with the bulk and density they are intended to control.

3. A conformity of housing types.

4. Waste of scarce and precious sites needed for employment giving and tax-paying industry; and at the same time, a lack of protection to the homes that have been situated on these sites, and which are permitted under the present zoning.

5. Excessive waste of land in scattered and economically unrelated store development, because of gross over-zoning of shallow commercial strips.

6. Streets needed for movement of traffic blocked because of the lack of provision for vehicle parking.

For builders and property owners, the 1916 Resolution presents a monumental task in determining permissible uses. A developer must consult and correlate three zoning maps and wade through 2500 amendments to the Resolution to avoid being guilty of breaking a provision of the law. This is a costly and time-consuming procedure, urgently in need of simplification.

Finally, the 1916 Resolution is obsolete. In the four decades since its adoption, the science of planning and land-use has matured and new principles and ideas have been developed. These are not present in the original Resolution and only summarily treated in the amendments. If the development of the remaining vacant areas in the City and the redevelopment of the older areas are to be truly in the best interests of the City—if wise planning is to be an instrument for improving New York as a place in which to live and work—then New York City must have new and modern zoning.

A Summary of the New Zoning Proposal

The Voorhees Walker Smith and Smith report is based upon the concept that zoning must begin with a total city image as a framework. This includes an analysis of present and future land needs; the development of a rational pattern based upon the inter-relation of these needs; and an adequate system of zoning districts to make possible a mapping of a total pattern.

In determining the rational image of the City, the consultants leaned heavily on the pattern of development in the past. This provided a realistic foundation from which to project a future pattern.

The City image, upon which the proposed Resolution is based, contemplates a population of 11 million residents. This has been determined by a projection of the growth of the City to an estimated population of 8.3 million by 1975. The zoning for a capacity of 11 million residents allows for an additional growth of 2.6 million, or a margin of 31 per cent.

While the population is projected to increase by only 6 per cent by 1975, the number of permitted dwelling units will increase by almost 10 per cent to a total of 2,854,000 units. The proposed rezoning of residential areas provides for an additional capacity of 19,749 residential acres over the 46,766 net acres in use in 1956.

The consultants' analysis of employment in major industrial categories indicates that there will not be large scale increases in the industrial labor force but, rather, that there will be shifts between industries and a need for additional acreage to allow for replacement of obsolete plants and additional space for employee parking. The net acreage zoned for industrial purposes will provide an additional 5,806 acres, to a total of 17,616 acres.

Commercial employment trends in the Central Business District indicate that there will be 151,000 more "paper-handling" workers and 145,000 less "goods-handling" workers by 1975. Employment in office buildings, it is estimated, will grow by about 185,000. New rentable office space is estimated to increase by 3 million square feet per year or to a total of approximately 60 million more square feet by 1975. This would require an additional 108 to 162 acres of land zoned for commercial office purposes in the Central Business District.

The local commercial areas were grossly overzoned in the 1916 Resolution permitting such development of 18,820 acres. The proposed rezoning would provide almost double the 5,792 acres being used in 1956.

A comparison of the net acreage in use in 1956, that estimated to be required in 1975, and the acreage provided for in the proposed Zoning Resolution indicates that ample allowance for growth has been made.

NET ACRES OF LAND
(Total City)

Purpose	In use, 1956	Estimated Required, 1975	Proposed Zoning
Residential	46,766	58,661	66,515
Industrial	11,810	13,192	17,616
Commercial	5,792	—	10,696

The remainder of the City's 204,410 acres will be devoted to parks and recreation areas; institutions and community facilities; airports; and the largest portion, 55,000 acres, for streets.

The Simplified Resolution

The consultants' report recommends a simplified Resolution which provides 47 different types of districts on a single-map system. All of the regulations for each major category of District are included in a single Article; and by means of tables, charts, explanatory drawings, and an index of all uses, it is possible readily to locate all of the necessary information.

Each district is governed by three basic controls: a) use; b) bulk and intensity of development; and c) parking. These regulations incorporate the latest advances in zoning techniques.

Use Districts

The proposed Resolution provides for three major categories of use districts—Residential, Commercial, and Manufacturing. These are further subdivided to provide a more detailed breakdown on the basis of use distinctions. Thus, there are two residential, eight commercial, and three manufacturing districts.

1) *Residential Districts*

Two major categories of Residence Districts are proposed. The first, R1 and R2, are Single-family Districts, designed for and restricted to single-family detached houses, and distinguished from each other by the minimum lot size required. The second grouping, General Residence Districts, has seven subdivisions ranging from less densely

populated R3 Districts in outlying sections to R9 Districts in the high density central areas.

The proposed Resolution also makes provision for large-scale residential developments by setting regulations for bulk controls, building spacing, and shopping facilities.

2) *Commercial Districts*

Eight Commercial Districts are provided to fit the wide diversity of commercial activity in the City. These are of four major types: 1) Local retail and service Districts (C1 and C2), designed for local area needs; 2) General Commercial Districts (C4), designed for primary and secondary outlying shopping centers; 3) Central Commercial Districts (C5 and C6), designed for central business areas in Manhattan and downtown Brooklyn; and 4) Three special purposes Districts (C3), designed for waterfront recreation uses (C7), large outdoor amusement uses, and (C8), heavy service uses.

3) *Manufacturing Districts*

Three Manufacturing Districts, guided by regulations which incorporate permitted uses and on "performance standards" which establish limits on noise, vibration, air pollution, and similar industrial nuisances are classified. The M1 District is designed for industries with high performance standards (the least amount of industrial nuisances) and is used as a buffer to protect Residence or Commercial Districts from the heavy industrial District, the M3 District, which has the low performance standard. The M2 District is between the two others. Residential development is excluded from all Manufacturing Districts.

Use Groups

In addition to the Use Districts, the Resolution classifies all of the present or anticipated activities in the City into 18 "use groups" on the basis of similarity of function or common nuisance characteristics, as well as compatibility with one another and with adjacent Districts. These 18 groups have six major headings: residential; community facilities; retail and commercial; recreation; general service; and manufacturing.

By plotting the Use Districts and the Use Groups on a graph, it is possible, by cross-reference, to determine easily the permissible uses of a plot of land.

Bulk and Intensity of Development

This section of the report deals predominantly with regulations which are intended to create adequate standards of residential development. However, the first of the controls, Floor Area Ratio, is applicable to all of the Use Districts.

Four types of bulk controls are recommended in the proposed Resolution. Their purpose is:

1. To limit the number of people living on a single tract of land or in a neighborhood, both to prevent overcrowding; and to prevent overloading of street and transit facilities, schools, parks and other neighborhood facilities.

2. To provide open space on residential lots, both for the use of the residents and to provide for adequate spacing of buildings.

3. To insure access of light and air to residential buildings and the public streets.

The proposed bulk controls, which are intended to regulate the intensity of residential development, include:

1. The Floor Area Ratio, which controls the amount of floor area which may be developed on a lot. It is determined by the number of square feet of floor area for each 100 square feet of lot area.

2. Lot area per dwelling unit regulation, which controls population density by limiting the number of dwelling units permitted on a lot. This provision is intended to prevent excessive conversion of existing dwelling units and the growth of the slums.

3. The Open Space Ratio, which regulates the amount of open space on a lot. This control is essential in providing sunlight, air and recreational space. It is determined by the number of square feet of open space on a lot for each 100 square feet of floor area in a building or buildings on that zoning lot.

4. Minimum lot area and lot width regulations, which affect the density of development.

In addition to the above regulations, other controls are recommended which will provide access to light and air in all Districts. These include provisions for yards, courts, windows and the openness of streets. There are also special regulations governing the space between buildings in large-scale residential developments.

Parking

One of the major objectives of the proposed Resolution is the provision for off-the-street parking. The Resolution sets new requirements for residential areas. In all Residential Districts the amount of parking spaces is determined by the number of dwelling units.

The commercial parking requirements are determined by the type of Commercial District or shopping center and the neighborhood surrounding the center and by the type of business establishment and its size.

The Manufacturing Districts have the same requirement for all three Districts and this is based upon employment and the floor area per establishment. There is, however, a particular regulation for manufacturing and industrial uses and another for storage and warehousing uses.

Commercial and Manufacturing Districts in the Central Business Districts of Manhattan and downtown Brooklyn are exempted from parking requirements.

Some Additional Provisions

Attention is given in the Resolution to three additional subjects: Non-conforming uses, regulation of height around airports, and administrative regulations.

The section on non-conforming uses provides regulations designed to prevent expansion or further entrenchment of non-conforming uses, and regulations designed to eliminate the worst type of non-conforming uses by providing a schedule for their elimination from Residential Districts and for improvements in their performance standards in the non-residential districts.

The Resolution proposes limits to the height of tall buildings in the vicinity of major airports to protect property and to insure that there will be no obstructions to navigation.

Finally, the Resolution recommends the following changes in the administration of zoning regulations:

1. The addition of a small, but technically capable staff, headed by a Zoning Administrator, to the Department of Buildings;

2. A series of specific findings or conditions which must be satisfied before a variance from either the proposed use or bulk regulations can be granted; and

3. Special standards or conditions for a limited number of uses with unique characteristics, such as airports, railroad stations, race tracks and drive-in theatres, which cannot be controlled adequately by the general regulations. Two agencies are empowered to grant special permits for such uses, the Board of Standards and Appeals and the City Planning Commission. The latter agency is empowered to grant permits for those uses whose location has community-wide impact and whose characteristics require special planning study.

Recommendations of the Committee

The Committee on City Affairs of the New York Chamber of Commerce believes that the City of New York should adopt a modern, comprehensive Zoning Resolution to replace the often-amended, cumbersome and outmoded zoning plan now in effect. It is essential that the future development of the City be governed by sound principles of land use which give realistic recognition to the total needs of the modern community. The present Zoning Resolution fails to provide such a guide.

In the opinion of the Committee, the proposal for a new Zoning Resolution presented in the report of Voorhees Walker Smith and Smith, consultants to the City Planning Commission, adequately meets the needs of the City. The proposal is well conceived, is based on sound premises, and outlines a pattern of land use which should materially contribute to the orderly future development of the City of New York.

Undoubtedly many details of the proposed Zoning Resolution may be subject to modification and revision; and such revision and modification as may be necessary and desirable can be made following the public hearings which are shortly scheduled without compromising the validity of the plans as a whole.

The important thing, now, is to mobilize public opinion in support of modern zoning for New York City. The Committee recommends, therefore, that the New York Chamber of Commerce endorse, generally and in principle, the proposal for a new Zoning Resolution as contained in the report of Voorhees Walker Smith and Smith, consultants to the City Planning Commission.

The Committee recommends, further, that the Chamber urge the City to take early and affirmative action on a new Zoning Resolution, generally as proposed by the consultants, and as it may be modified as a result of the public hearings soon to begin.

The Committee recommends, finally, that copies of this report and its recommendations be sent to the Mayor, the City Planning Commission, and to members of the Board of Estimate and the City Council.

Respectfully submitted,

Committee on City Affairs

Attest:

JOHN T. GWYNNE
Secretary

ISAAC B. GRAINGER
President.

October 19, 1959

The above report was adopted by the Chamber at its regular meeting on November 5, 1959.

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